



1-OF 16

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**RECEIVED**  
Dec 24 2008 law  
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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

LARRY L JACKSON

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

vs.

Case N

08cv7382  
JUDGE BUCKLO  
MAG. JUDGE SCHENKIER

(To be)

JOHN VISVARNIS #7176

MARTIN LEUENBERGER #3259

MELISSA MALM #7775

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

**CHECK ONE ONLY:**

☒

**COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**  
U.S. Code (state, county, or municipal defendants)

☐

**COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**  
28 SECTION 1331 U.S. Code (federal defendants)

☐

**OTHER** (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

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**I. Plaintiff(s):**

- A. Name: DARREYL JACKSON
- B. List all aliases: N/A
- C. Prisoner identification number: 20070023316
- D. Place of present confinement: COOK COUNTY JAIL
- E. Address: P.O. BOX 089002, CHICAGO, IL. 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: JOHN VISVARIIS  
 Title: COOK COUNTY DEPUTY SHERIFF  
 Place of Employment: COOK COUNTY JAIL
- B. Defendant: MARTIN LEUENBERGER  
 Title: CHICAGO POLICE OFFICER  
 Place of Employment: 15<sup>th</sup> DISTRICT CHICAGO POLICE DEPT.
- C. Defendant: MELISSA MALM  
 Title: CHICAGO POLICE OFFICER  
 Place of Employment: 15<sup>th</sup> DISTRICT CHICAGO POLICE DEPT.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

## I. JURISDICTION AND VENUE (B)

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1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER THE COVER OF OFFICIAL RIGHT AND THE APPEARANCE AND COLOR OF STATE LAW AND / OR STATE STATUE, OF CIVIL RIGHTS RETAINED AND SECURED BY THE CONSTITUTIONS OF BOTH THE UNITED STATES AND THE STATE OF ILLINOIS. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (A) (3). THIS COURT HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW CLAIMS UNDER 28 U.S.C. SECTION 1367. PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202.
2. THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION, IS AS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b) (2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURRED.

## II. PLAINTIFF (C)

3. PLAINTIFF, DADDYL JACKSON, SUE JURIS, A NATIVE AFRICAN AMERICAN SOVEREIGN NATIONALS OF THE UNITED STATES, AND THE ILLINOIS REPUBLIC, IS AND WAS AT ALL TIMES MENTIONED HEREIN IN THE CITY OF CHICAGO AND THE COUNTY OF COOK. HE IS CURRENTLY CONFINED IN THE COOK COUNTY JAIL, IN CHICAGO, ILLINOIS.

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**III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:**

- A. Name of case and docket number: 08 C 2739  
DARRYL JACKSON V. RON BLAGOJEVICH
- B. Approximate date of filing lawsuit: 5-12-08
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: DARRYL JACKSON
- D. List all defendants: SEE ATTACHED LIST OF DEFENDANTS
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): NORTHERN DISTRICT
- F. Name of judge to whom case was assigned: JUDGE ROBERT W. GETTLEMAN
- G. Basic claim made: THAT THE PENDING PROSECUTION FOR ROBBERY IS ILLEGAL BECAUSE I EXPATRIATED MYSELF FROM UNDER THE JURISDICTION OF THE STATE OF ILLINOIS
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): DISMISSED AND WAS NOT APPEALED
- I. Approximate date of disposition: 6-4-08

**IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.**

### III. LAWSUIT PREVIOUSLY FILED

THIS IS ATTACHED LIST OF DEFENDANTS

- |                         |                              |
|-------------------------|------------------------------|
| 1. MICHAEL BROWN        | 19. GREGORY KLIMASZEWSKI     |
| 2. LAURA SULLIVAN       | 20. WILLIAM M. HENEGHAN      |
| 3. RICHARD DALEY        | 21. RALPH BENAVIDES          |
| 4. JON WEIS             | 22. DET. LORENZO #20123      |
| 5. RICHARD DEVINE       | 23. OFFICER ROBERTSON #17079 |
| 6. LISA MALLIGAN        | 24. OFFICER YOUNG #9277      |
| 7. TOM DART             | 25. SGT. HAYMAKER #2532      |
| 8. JOHN VESVARIIS       | 26. CARL HATTULA #20516      |
| 9. LORRAINE SCALITO     | 27. OFFICER PELLERANO #19165 |
| 10. EDWIN BURNETTE      |                              |
| 11. WILLIAM WOELKERS    |                              |
| 12. LORNE GORELICK      |                              |
| 13. VERN SCHLEYER       |                              |
| 14. JAMES TALLSEY       |                              |
| 15. DANIEL GROTH        |                              |
| 16. MARTIN LEUBENBERGER |                              |
| 17. MELISSA MALM        |                              |
| 18. RODRIGO ESPINOZA    |                              |

III. LAWSUIT PREVIOUSLY FILED 6 OF 16

A. NAME OF CASE AND DOCKET NUMBER: DOCKET NUMBER UNKNOWN  
LARRY L JACKSON V. WARDEN OF MENARD CORRECTIONAL CENTER

B. APPROXIMATE DATE OF FILING LAWSUIT: SOME TIME IN 1997

C. LIST ALL PLAINTIFFS: LARRY L JACKSON

D. LIST ALL DEFENDANTS: I DON'T REMEMBER THE OTHER DEFENDANTS

E. COURT IN WHICH THE LAWSUIT WAS FILED: NORTHERN DISTRICT

F. NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: UNKNOWN

G. BASIC CLAIM MADE: UNSAFETY LIVING CONDITIONS

H. DISPOSITION OF THIS CASE: SETTLED OUT OF COURT

I. APPROXIMATE DATE OF DISPOSITION: SOME TIME IN 1999

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### III. LAWSUIT PREVIOUSLY FILED

- A. NAME OF CASE AND DOCKET NUMBER: DOCKET NUMBER UNKNOWN  
DARRYL JACKSON V. COOK COUNTY JAIL
- B. APPROXIMATE DATE OF FILING LAWSUIT: SOME TIME IN 1999
- C. LIST ALL PLAINTIFFS: DARRYL JACKSON
- D. LIST ALL DEFENDANTS: COOK COUNTY SHERIFF  
I DON'T REMEMBER OTHER DEFENDANTS
- E. COURT IN WHICH THE LAWSUIT WAS FILED: NORTHERN DISTRICT
- F. NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: UNKNOWN
- G. BASIC CLAIM MADE: FAILURE TO PROTECT FROM OTHER INMATES
- H. DISPOSITION OF THIS CASE: SETTLED OUT OF COURT
- I. APPROXIMATE DATE OF DISPOSITION: SOME TIME IN 1996

### III. DEFENDANTS (A)

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4. DEFENDANT(S), JOHN VISVADIS, IS A COOK COUNTY DEPUTY SHERIFF. HE IS LEGALLY AND PERSONALLY RESPONSIBLE FOR SUBJECTING THE PLAINTIFF TO A WARRANTLESS ARREST, SEARCH, AND SEIZURE AT GUN-POINT WITHOUT ANY PROBABLE CAUSE OR LEGAL JUSTIFICATION.
5. DEFENDANT(S), MATTHEW LEUBENBERGER, IS A CHICAGO POLICE OFFICER. HE IS LEGALLY AND PERSONALLY RESPONSIBLE FOR SUBJECTING THE PLAINTIFF TO A WARRANTLESS ARREST, SEARCH, AND SEIZURE AT GUN-POINT WITHOUT ANY PROBABLE CAUSE OR LEGAL JUSTIFICATION.
6. DEFENDANT(S), MELISSA MALM, IS A CHICAGO POLICE OFFICER. SHE IS LEGALLY AND PERSONALLY RESPONSIBLE FOR SUBJECTING THE PLAINTIFF TO A WARRANTLESS ARREST, SEARCH, AND SEIZURE AT GUN-POINT WITHOUT ANY PROBABLE CAUSE OR LEGAL JUSTIFICATION.
7. EACH DEFENDANT IS SUED INDIVIDUALLY IN THEIR INDIVIDUAL CAPACITY AND IN HIS OR HER OFFICIAL CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COVER OF OFFICIAL RIGHT AND THE APPEARANCE AND COLOR OF STATE LAW AND / OR STATE STATUTE.



## IV. FACTS (E)

1. THAT ON JANUARY 31, 2007, OFF-DUTY DEPUTY SHERIFF JOHN VESVARNIS IN AN UNMARKED BLACK TRUCK AND PLAINCLOTHES ACTED WITH MALICE TO VIOLATE THE FOURTH AMENDMENT BY SUBJECTING THE PLAINTIFF TO AN UNLAWFUL WARRANTLESS MALICIOUS ARREST THROUGH THE USE OF A FIREARM DESPITE THE FACT THAT HE LACKED OFFICIAL PEACE OFFICER AUTHORITY TO EFFECTUATE A WARRANTLESS ARREST THROUGH THE USE OF THE POWER OF HIS OFFICE WITH A FIREARM. BECAUSE SUCH ASSERTION OF PEACE OFFICER AUTHORITY IS NOT AVAILABLE TO ORDINARY CITIZENS; THEREFORE, SAID ARREST CAN NOT BE LEGITIMIZED AS PRIVATE CITIZEN'S ARREST.
2. THAT THE PLAINTIFF WAS DOING NOTHING UNUSUAL AT THE TIME OF SAID ARREST AND OFF-DUTY DEPUTY SHERIFF JOHN VESVARNIS NEITHER POSSESSED JURISDICTION WHILE OFF-DUTY TO ACT IN HIS OFFICIAL CAPACITY TO USE A FIREARM TO EFFECTUATE A WARRANTLESS MALICIOUS ARREST, WARRANTLESS MALICIOUS SEARCH AND SEIZURE OF THE PLAINTIFF'S PERSON OR UNITED STATES CURRENCY NOR DID HE POSSESS A WARRANT TO ARREST, SEARCH, AND SEIZE THE PLAINTIFF OR HIS UNITED STATES CURRENCY NOR DID HE RECEIVE ANY INFORMATION OVER THE RADIO THAT THE PLAINTIFF HAD BEEN PREVIOUSLY OR WAS CURRENTLY INVOLVED IN ANY CRIMINAL ACTIVITY NOR DID HE OBSERVE THE PLAINTIFF VIOLATE ANY LAW.
3. THAT NEITHER THE PLAINTIFF FREE EXERCISE, "AT TOP SPEED," OF HIS PERSONAL CONSTITUTIONAL RIGHT TO RUN DOWN THE STREET FREE FROM UNREASONABLE SEARCHES AND SEIZURES NOR HIS FLIGHT UPON APPROACH OF OFF-DUTY DEPUTY SHERIFF JOHN VESVARNIS IN AN UNMARKED BLACK TRUCK

AND PLAINCLOTHES, WHO NEVER ANNOUNCED HIS OFFICE WAS SUFFICIENT TO JUSTIFY A TERRY STOP OR A WARRANTLESS ARREST, SEARCH, AND SEIZURE OF THE PLAINTIFF PERSON AT GUN-POINT WITHOUT ANY PROBABLE CAUSE OR LEGAL JUSTIFICATION.

4. THAT THE ARREST WAS AN UNREASONABLE SEIZURE AS CONTEMPLATED BY THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

5. THE ARREST, SEARCH, AND SEIZURE WERE MADE IN VIOLATION OF THE PLAINTIFF'S RIGHTS UNDER THE BILL OF RIGHTS OF THE UNITED STATES CONSTITUTION AND SECTION ONE, TWO, SIX, TEN, AND 24 OF ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF ILLINOIS, CHAPTER 725 ILCS 5/108-1; 725 ILCS 5/107-4(A)(2)(3)(4)(A-3-2).

6. THAT ON JANUARY 31, 2007, OFF-DUTY DEPUTY SHERIFF JOHN VISVARNIS SEIZED \$450.00 IN UNITED STATES CURRENCY WITHOUT A SEARCH WARRANT, PROBABLE CAUSE, OR ANY LEGAL JUSTIFICATION.
7. THE SEARCH AND SEIZURE COMPLAINED OF ON JANUARY 31, 2007, WAS UNREASONABLE AND IN VIOLATION OF THE FOURTH AMENDMENT RIGHTS OF THE PLAINTIFF, AND AS SUCH, THE PLAINTIFF IS ENTITLED TO RECOVER ANY AND ALL UNITED STATES CURRENCY SEIZED THEREUNDER. FED. RULES CRIM. PROC. RULE 41(c), 18 U.S.C.A., IL. CONST. ART. 1 SEC. 12.
8. THAT ON JANUARY 31, 2007, BOTH CHICAGO POLICE OFFICERS MARTIN LEUENBERGER AND MELISSA MALM SUBJECTED THE PLAINTIFF TO A WARRANTLESS ARREST, SEARCH, AND SEIZURE AT GUN-POINT WITHOUT ANY PROBABLE CAUSE OR LEGAL JUSTIFICATION.

9. THAT THE INFORMATION RECEIVED OVER THE RADIO BY BOTH CHICAGO POLICE OFFICERS MARTIN LEUENBERGER AND MELISSA MALM OF A MASK MAN INVOLVED IN CRIMINAL ACTIVITY WAS INSUFFICIENT TO JUSTIFY A TERRY STOP OR A WARRANTLESS ARREST, SEARCH, AND SEIZURE OF THE PLAINTIFF'S PERSON AT GUN-POINT. BECAUSE THE CHICAGO POLICE OFFICER THAT ISSUED THE RADIO BULLETIN DID NOT POSSESS FACTS THAT WOULD HAVE JUSTIFIED A TERRY STOP OR WARRANTLESS ARREST, SEARCH, AND SEIZURE OF THE PLAINTIFF'S PERSON AT GUN-POINT WITHOUT ANY PROBABLE CAUSE OR LEGAL JUSTIFICATION WHERE-BY THE PLAINTIFF WAS NOT WEARING A MASK NOR WAS ANY MASK FOUND IN HIS POSSESSION AT THE SAID TIME OF ARREST WITHIN MINUTES OF ALLEGED CRIMINAL ACTIVITY.
10. THAT THE ARREST WAS AN UNREASONABLE SEIZURE AS CONTEMPLATED BY THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

11. THE ARREST, SEARCH, AND SEIZURE WERE MADE IN VIOLATION OF THE PLAINTIFF'S RIGHTS UNDER THE BILL OF RIGHTS OF THE UNITED STATES CONSTITUTION AND SECTION ONE, TWO, SIX, TEN, AND 24 OF ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF ILLINOIS, CHAPTER 725 ILCS 5/108-1.
12. THAT ON JANUARY 31, 2007, BOTH CHICAGO POLICE OFFICERS MARTIN LEUENBERGER AND MELISSA MALM SEIZED \$450.00 IN UNITED STATES CURRENCY WITHOUT A SEARCH WARRANT, PROBABLE CAUSE, OR ANY LEGAL JUSTIFICATION.
13. THE SEARCH AND SEIZURE COMPLAINED OF ON JANUARY 31, 2007, WAS UNREASONABLE AND IN VIOLATION OF THE FOURTH AMENDMENT RIGHTS OF THE PLAINTIFF, AND AS SUCH, THE PLAINTIFF IS ENTITLED TO RECOVER ANY AND ALL UNITED STATES CURRENCY SEIZED THEREUNDER. FED. RULES CRIM. PROC. RULE 41(c), 18 U.S.C.A., IL. CONST. ART. 1 SEC. 12.

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## V. LEGAL CLAIMS (F)

14. PLAINTIFF REALLEGE AND INCORPORATE BY REFERENCE PARAGRAPHS 1-13.

15. THE WARRANTLESS ARREST, WARRANTLESS SEARCH AND SEIZURE OF THE PLAINTIFF'S PERSON AND UNITED STATES CURRENCY VIOLATED PLAINTIFF NARLYL JACKSON'S RIGHTS AND CONSTITUTED A FALSE ARREST, INVASION OF PRIVACY, UNREASONABLE SEARCH AND SEIZURE, AND A DUE PROCESS VIOLATION UNDER THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND SECTION ONE, TWO, SIX, TEN, AND 24. OF ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF ILLINOIS, CHAPTER 725 ILCS 5/108-1.

16. THE PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY RELIEF WHICH PLAINTIFF SEEKS.

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## VI. PRAYER FOR RELIEF (G)

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGMENT GRANTING PLAINTIFF:

17. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND SECTION ONE, TWO, SIX, TEN, AND 24 OF ARTICLE 1 OF THE CONSTITUTION AND LAWS OF THE STATE OF ILLINOIS, CHAPTER 725 ILCS 5/108-1.
18. COMPENSATORY DAMAGES IN THE AMOUNT OF \$50,000,000 AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.
19. PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000 AGAINST EACH DEFENDANT.
20. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY
21. PLAINTIFF'S COSTS IN THIS SUIT
22. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE.

DATE: 12-9-08

RESPECTFULLY SUBMITTED,  
Danyel Jackson  
MR. LARRY L JACKSON  
P.O. BOX 089002  
CHICAGO, IL. 60608

VERIFICATION (H)

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I HAVE READ THE FOREGOING COMPLAINT AND HEREBY  
VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE;  
THEREFORE, I CERTIFY UNDER PENALTY OF PERJURY THAT  
THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CHICAGO, ILLINOIS ON 12-9-08

Darryl Jackson

SIGNATURE

MR. DARRYL JACKSON